



# *COMMONWEALTH of VIRGINIA*

## *DEPARTMENT OF ENVIRONMENTAL QUALITY*

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### **EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON AUGUST 4, 2011**

#### **MINUTE NO. 9 – Bull Run Tier III**

David Whitehurst, with the Water Quality Standards unit in the Office of Water Quality Programs, gave the Board presentation. Mr. Whitehurst informed the Board of the location and extent of the petitioned segment of Bull Run and gave a brief overview regarding the purpose and potential impacts of Tier 3 designations. He then reviewed the activities that had occurred since the Board received the petition at the April 14, 2011 meeting.

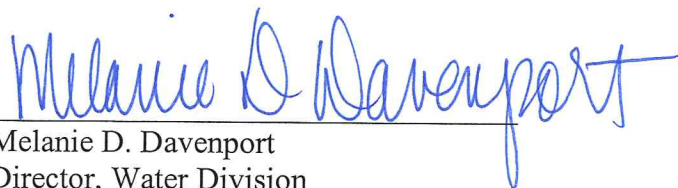
Mr. Whitehurst then provided a summary of the required staff site visit along with some images of Bull Run. He briefly explained the eligibility criteria requirements that a waterbody must meet to be considered for regulatory designation as Tier 3 or Exceptional State Waters and provided to the Board the staff conclusion that the petitioned segment of Bull Run met sufficient eligibility criteria for regulatory consideration. He explained that segment of Bull Run is an integral part of a national park which is a factor to be considered when determining whether or not a waterbody meets the primary criteria of possessing an exceptional environmental setting. The segment was also found to provide for exceptional outdoor recreational opportunities.

Mr. Whitehurst summarized for the Board comment received from potentially impacted localities and riparian landowners. The Department of Planning for Fairfax and for Prince William counties provided comment stating their concerns that regulatory impacts of a Tier 3 designation on this segment of Bull Run may restrict future transportation expansions, maintenance, and/or upgrades. The VA Department of Transportation provided comment voicing similar concerns and asked the Board to not initiate a rulemaking to designate Bull Run as Tier 3. No citizen comment was received. Staff acknowledged the concerns expressed in these comments and stated that the comment periods provided during a rulemaking provide for an opportunity to engage the petitioner and concerned parties in a dialogue regarding these issues.

#### **Board Decision**

Based on the briefing materials and the staff presentation, the Board, by unanimous vote, instructed staff to initiate a rulemaking to consider amending section 9 VAC 25-260-30.A.3 of

the Water Quality Standards to designate Bull Run from the confluence of Little Bull Run downstream to the crossing of Interstate 66 as Exceptional State Waters.

A handwritten signature in blue ink that reads "Melanie D. Davenport". The signature is fluid and cursive, with a horizontal line drawn across the middle of the name.

Melanie D. Davenport  
Director, Water Division